

DAC
JFW

PTO/SB/64a (07-05)
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

First named inventor: BRUCE FORSBERG

Application No.: 10 / 642, 817

Art Unit: 3724

Filed: 8/19/2003

Examiner: CHOI, STEPHEN

Title: CANDLE WICK MAINTENANCE INSTRUMENT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)**

1. Petition fee SEE MEMO

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is _____.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Bruce Forsberg

Signature

9/11/05

Date

BRUCE FORSBERG

Typed or printed name

Registration Number, if applicable

134 BUTCH CASH RD

Address

256-828-6711

Telephone Number

HAZEL GREEN AL 35750

Address

Enclosures: ☐ Fee Payment

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: MEMO, MODIFIED PATENT, MODIFIED CLAIMS MARKED (b)(1)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

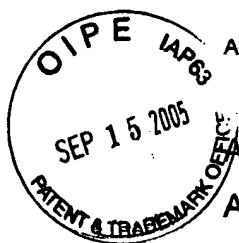
Date

Bruce Forsberg

Signature

BRUCE FORSBERG

Typed or printed name of person signing certificate



APPL. NO. 10/642,817

Applicant Bruce Forsberg

Date: September 11, 2005

Appl. No. 10/642,817

Filed 8/19/2003

Title: Candle wick maintenance instrument

Honorable Commissioner for Patents

Washington DC 20231

Petition to Revive

Sir,

Thank you for your response dated September 7, 2005. It was somewhat surprising to receive a notice of abandonment, because that was not my intent. Being a small entity, I do not know all of the rules, regulations, and procedures to follow and was extremely confused upon receipt of a request for additional information and a notice of publication. Hence the reply that asked for clarification. Please also see section 4 below.

As per the request for original election, I have selected Group I for apparatus and have attached a revised patent application that deletes Group II items for method. Also attached is an amended claims section with the word "original" located after each claim number. If this is a requirement for this resubmission, please use this version. There were no claims added or changed. The only claims deleted were in relation to the removed method claims.

As per the latest correspondence I hereby petition to revive this patent and provide the following for unintentional abandonment as per (37 CFR 1.137(b)) and the above referenced letter.

1. The required reply (which has been filed) – The above election has also been included as requested.

2. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.
3. The terminal disclaimer required pursuant to 37 CFR 1.137(d) has been addressed with the selection of a Group I category so that the invention can be appropriately examined and a copy of the revised submission has been attached.
4. A petition fee as set forth in 37 CFR 1.17(m) has also been requested. Respectfully request a re-determination of this position. A timely response was requested and a timely response was provided, however due to what appeared to be conflicting received information, additional clarification was requested which effectively was a request for time to clarify and provide the requested information. Almost six months has elapsed since request for clarification and notice of abandonment. I understand that the USPTO has an enormous case backlog and I also think this backlog has contributed to the fact that there was no time remaining. I was prepared to pay the fee to revive the patent until I saw the \$750 figure as compared to the \$150 figure for filing a new patent. Therefore respectfully request the USPTO waive the \$750 fee or at a minimum assess more reasonable fee since we both may shoulder some of the timely response burden. Thank you for your help and consideration in this matter.
5. If the Director requires additional information in order to determine whether the delay was unintentional, please feel free to contact me at your convenience.

If any other information is required, please do not hesitate to contract me via e-mail at bforsberg@mchsi.com, bruce.w.forsberg@usace.army.mil, the address on file, or at 256-828-6711.

Respectfully submitted

Bruce Forsberg

Version with markings to show changes made

CLAIMS

What is claimed is:

1. (Original) An apparatus for trimming candle wicks comprising:
 - A means of vertically trimming a candle wick
 - A means of candle wick clipping removal from the immediate surroundings of the candle or container
 - A means to hold multiple candle wick clippings in the instrument
2. (Original) The apparatus of claim 1, wherein the instrument has a cutting devise and a backing pad upon which to produce a cutting or trim plane.
3. (Original) The apparatus of claim 1, wherein the instrument has a dual opposing cutting devise surface
4. (Original) The apparatus of claim 1, wherein the instrument has a scissor like action or reverse scissors like action.
5. (Original) The apparatus of claim 1, wherein the instrument has a loop type cutting tool.
6. (Original) The apparatus of claim 1, wherein the instrument has a tweezers like action.
7. (Original) The apparatus of claim 1, wherein the instrument has a pocket to hold the wick clipping or multiple wick clippings.
8. (Original) The apparatus of claim 1, wherein a means of suction is used to vacuum the wick clipping to a holding pocket so that more wicks can be trimmed prior to discard.
9. (Original) The apparatus of claim 1, wherein the instrument has a manual tilt ability to be able to move the NUB to the holding pocket by gravity for multiple NUB collection.
10. (Original) The apparatus of claim 1, wherein the unit is fabricated of metal, glass, ceramic, plastic, of other and combinations of these or like items.

11. (Original) The apparatus of claim 1, wherein the instrument has a length to trim the wick per candle manufacturers established distance above the cooled wax surface of the candle.

12. (Original) The apparatus of claim 1, wherein the instrument has an adjustable length to trim the wick to the operator preferred distance above the cooled wax surface of the candle.